UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA WAYCROSS DIVISION

SHEILA LEWIS, Individually and on)	
behalf of a class of Persons similarly)	
situated,)	
)	Civil Action No.: CV-510-016
Plaintiff,)	
)	
V.)	
)	
SCOTBILT HOMES, INC.)	
)	
Defendant)	

<u>DEFENDANT SCOTBILT'S MOTION TO DISMISS PURSUANT TO</u> <u>FED. R. CIV. P. 12(b)(6), 12(b)(7) and 9(b)</u>

DEFENDANT SCOTBILT HOMES, INC. (hereinafter "Scotbilt") pursuant to Rules 12 and 9 of the Federal Rules of Civil Procedure, moves this Court to dismiss this action. For the reasons set forth in the attached Memorandum of Law in Support of Scotbilt's Motion to Dismiss, (1) Plaintiff's Complaint fails to state any claim upon which relief may be granted and (2) Plaintiff's Complaint fails to join an indispensable party.

RESPECTFULLY SUBMITTED this 3rd day of May, 2010.

GILBERT, HARRELL, SUMERFORD & MARTIN, P.C.

s/ James L. Roberts, IV

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May 2010, I electronically filed the foregoing

DEFENDANT SCOTBILT'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P.

<u>12(b)(6)</u>, <u>12(b)(7)</u> and <u>9(b)</u>, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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This 3rd day of May, 2010.

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